



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 15

David M. Driscoll
WOLF, GREENFIELD & SACKS
600 Atlantic Avenue
Boston, MA 02210

In re Application of)	
Richard P. Fournel)	
Application No. 09/224,756)	
Filed: January 4, 1999)	
For: METHOD FOR PROGRAMMING)	DECISION ON PETITION
READ-ONLY MEMORY CELLS AND)	
ASSOCIATED MEMORIES)	

This is a decision on the petition, filed February 26, 2002, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to file a response to the Notice to File Missing Parts of Application (CPA) mailed August 23, 2000. A Notice of Abandonment was mailed on September 11, 2001.

Petitioner asserts that the holding of abandonment was improper because a response was in fact timely filed on March 23, 2001 and received in the PTO on March 26, 2001. The response included a copy of the Notice to file Missing Parts, a petition for an extension of time of five months and a check of \$2,890.00 to the cover the CPA filing fee, the extension of time fee, the extra claims fee, and the surcharge. To support this assertion, petitioner has submitted a copy of the response along with a stamped postcard receipt indicating that the PTO acknowledged receipt of the response on March 26, 2001, and a copy of the canceled check that was cashed by the PTO. The response was filed using the provision of 27 CFR 1.8(a) with a certificate of mailing dated March 23, 2001.

The response filed March 26, 2001 is not of record in the application file and cannot be located¹. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the

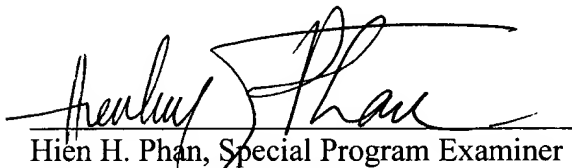
¹ Although the response is not in the file record, the application finance record indicates that the \$2,890.00 fees for filing a CPA and other required fees have been collected with an accounting date of March 28, 2001.

items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that a response to the Notice to File Missing Parts (CPA) was timely filed but lost in the PTO.

For the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The copy of the response submitted on February 26, 2002, is accepted since the PTO has apparently misplaced the response originally submitted.

The application file is being forwarded to the Technology Center Technical Support Staff for processing the CPA. From there, the file will be returned to the examiner for further examination.

A handwritten signature in black ink, appearing to read 'Hien H. Phan', is written over a horizontal line.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components